

ORIGINAL

TODD W. EDDINS, #5544
1001 Bishop Street
Pauahi Tower, Suite 1320
Honolulu, Hawaii 96813
Telephone No. 808 538.1110
Facsimile No. 808 528.2440
E-Mail: Eddins@Eddinsdefense.com

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 23 2006

at 1 o'clock and 0 min. PM
SUE BEITIA, CLERK

Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

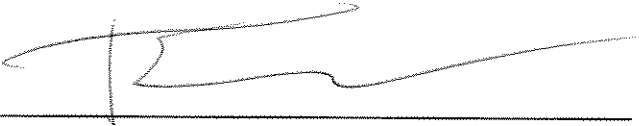
UNITED STATES OF AMERICA,	)	CR. NO. 05-00261 HG
)	
Plaintiff,	)	NOTICE OF MOTION;
	)	DEFENDANT'S SECOND
vs.	)	MOTION TO DISMISS
	)	INDICTMENT; MEMORANDUM
JAMES TROIANO, (01)	)	OF LAW IN SUPPORT OF
	)	MOTION; CERTIFICATE OF
Defendant.	)	SERVICE
)	
	)	Date: March 17, 2006
	)	Time: 9:00 a.m.
	)	Judge: HELEN GILLMOR
)	

NOTICE OF MOTION

TO: CLAIRE CONNORS
Assistant United States Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Judge Helen Gillmor in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on March 17, 2006 at 9:00 a.m.

DATED: Honolulu, Hawaii February 23, 2006.



TODD EDDINS
Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00261 HG
)	
Plaintiff,	)	DEFENDANT'S SECOND
	)	MOTION TO DISMISS
vs.	)	INDICTMENT
)	
JAMES TROIANO, (01))	
)	
Defendant.)	
)	

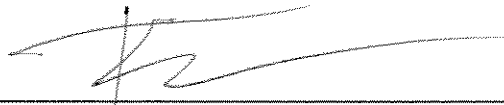
DEFENDANT'S SECOND MOTION TO DISMISS INDICTMENT

Defendant No. 01 JAMES TROIANO (Troiano), by and through his counsel, Todd Eddins, hereby moves this Honorable Court for an order dismissing the Indictment in the instant case on the ground that the United States District Court does not have jurisdiction with respect to the charges against him because his alleged conduct did not effect interstate commerce.

This motion is based on Federal Rules of Criminal Procedure Rules 7, 12 and 47, 18 U.S.C. § 1951 (Hobbs Act), the attached Memorandum of Law in Support of Motion, the arguments set forth in Defendant's Motion to

Dismiss Indictment filed on September 28, 2005, and any evidence or arguments by counsel at the hearing on the motion.

DATED: Honolulu, Hawaii: February 23, 2006

A handwritten signature in black ink, appearing to be 'TE', is written over a horizontal line.

Todd Eddins
Attorney for Defendant James Troiano